

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROAD-CON, INC., NESHAMINY  
CONSTRUCTORS, INC., LOFTUS  
CONSTRUCTION, INC., PKF-MARK III,  
and SCOTT A. LACAVA,

Plaintiffs,

V.

THE CITY OF PHILADELPHIA, and  
MAYOR JAMES KENNEY, in his official  
capacity as mayor of the City of Philadelphia,

Defendants.

## CIVIL ACTION

Case No. 2:19-cv-01667-JS

**INTERVENORS, MECHANICAL CONTRACTORS ASSOCIATION OF EASTERN PENNSYLVANIA, INC. D/B/A MECHANICAL AND SERVICE CONTRACTORS ASSOCIATION OF EASTERN PENNSYLVANIA'S AND NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION, PENN-DEL-JERSEY CHAPTER'S ANSWER WITH AFFIRMATIVE DEFENSES TO PLAINTIFFS' THIRD AMENDED COMPLAINT**

Intervenors, Mechanical Contractors Association of Eastern Pennsylvania, Inc. d/b/a Mechanical and Service Contractors Association of Eastern Pennsylvania and National Electrical Contractors Association, Penn-Del-Jersey Chapter (collectively, the “Intervenors”), by and through their undersigned counsel, hereby respond to Plaintiffs’ Third Amended Complaint and aver as follows:

Plaintiffs' introductory paragraph contains conclusions of law and Plaintiffs' statement of the case, to which no response is required. To the extent a response is required, denied.

## PARTIES

1. After reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

2. After reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

3. After reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

4. After reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

5. After reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

6. After reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

7. After reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

8. After reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

9. This paragraph contains conclusions of law and/or Plaintiffs' statement of the case, to which no response is required. To the extent a response is required, denied.

10. After reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

11. After reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

12. Admitted.

13. Admitted.

### **JURISDICTION AND VENUE**

14. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

15. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

### **BACKGROUND**

#### **A. Project Labor Agreements**

16. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied. By way of further answer, this paragraph is denied to the extent that it is not an accurate characterization of a project labor agreement.

17. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied. By way of further answer, this paragraph is denied to the extent that it is not an accurate characterization of a project labor agreement.

18. Denied. By way of further response, after reasonable investigation, Intervenorors are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

#### **B. The City of Philadelphia's Project Labor Agreement**

##### **1. Executive Orders 15-11 and 8-15 and the alleged process to implement a PLA**

19. Admitted in part; denied in part. Intervenorors admit only that a copy of Executive Order 15-11 is attached as Exhibit 1. Executive Order 15-11 is a writing and Intervenorors deny any characterization inconsistent therewith. After reasonable investigation, Intervenorors are without knowledge sufficient to form a belief as to the truth of the remaining allegations in this paragraph and therefore deny the same.

20. Denied. Executive Order 15-11 is a writing and Intervenor deny any characterization inconsistent therewith. After reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegation in this paragraph concerning the intent of the use of a PLA by the City.

21. Executive Order 15-11 is a writing and Intervenor deny any characterization inconsistent therewith.

22. Executive Order 15-11 is a writing and Intervenor deny any characterization inconsistent therewith.

23. Executive Order 15-11 is a writing and Intervenor deny any characterization inconsistent therewith.

24. Executive Order 15-11 is a writing and Intervenor deny any characterization inconsistent therewith.

25. Executive Order 15-11 is a writing and Intervenor deny any characterization inconsistent therewith.

26. Executive Order 15-11 is a writing and Intervenor deny any characterization inconsistent therewith.

27. The allegations in this paragraph refer to a writing which speaks for itself, and any characterization thereof is denied.

28. The allegations in this paragraph refer to a writing which speaks for itself, and any characterization thereof is denied.

29. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

30. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

31. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

32. Admitted in part; denied in part. Intervenor admits only that a copy of Executive Order 8-15 is attached as Exhibit 2. Executive Order 8-15 is a writing and Intervenor denies any characterization inconsistent therewith. After reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the remaining allegations in this paragraph and therefore deny the same.

33. Executive Order 8-15 and Executive Order 15-11 are writings and Intervenor denies any characterization inconsistent therewith.

34. Executive Order 8-15, Executive Order 15-11 and “city’s bid documents” are writings and Intervenor denies any characterization inconsistent therewith. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the remaining allegations in this paragraph and therefore deny the same.

35. Admitted in part; denied in part. Intervenor admits only that a) Executive Order 8-15 went into effect on December 31, 2015; b) plaintiffs’ original complaint was filed on April 18, 2019; and c) plaintiffs moved for summary judgment on September 1, 2020. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied. Moreover, Executive Order 8-15 is a writing and Intervenor denies any characterization inconsistent therewith.

## **2. The Alleged Model PLA**

36. Executive Order 15-11 is a writing and Intervenor deny any characterization inconsistent therewith.

37. The referenced document is a writing and Intervenor deny any characterization inconsistent therewith. Moreover, after reasonable investigation, Intervenor are without knowledge sufficient to form a belief as to the truth of the allegation in this paragraph concerning what the City uses and therefore deny the same.

## **3. The Alleged PLA's Union Membership and Hiring Hall Requirements**

38. The referenced document is a writing and Intervenor deny any characterization inconsistent therewith.

39. The referenced document is a writing and Intervenor deny any characterization inconsistent therewith.

40. The referenced document is a writing and Intervenor deny any characterization inconsistent therewith.

41. The referenced document is a writing and Intervenor deny any characterization inconsistent therewith.

42. The referenced document is a writing and Intervenor deny any characterization inconsistent therewith.

## **C. The Alleged PLA's Incorporation of Certain Union Collective Bargaining Agreements**

43. The referenced documents are writings and Intervenor deny any characterization inconsistent therewith.

44. Denied. By way of further response, after reasonable investigation, Intervenor are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph

and therefore deny the same. Moreover, the referenced PLA and bid specifications are documents and Intervenor deny any characterization inconsistent therewith.

45. The referenced PLA and bid specifications are documents and Intervenor deny any characterization inconsistent therewith.

46. Denied. By way of further response, after reasonable investigation, Intervenor are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

47. Denied. By way of further response, after reasonable investigation, Intervenor are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph concerning “every PLA that the City has incorporated into its bid specifications” and therefore deny the same. Moreover, the referenced PLA and bid specifications are documents and Intervenor deny any characterization inconsistent therewith.

48. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

49. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

**D. The Alleged PLA’s Diversity-And-Inclusion Goals**

50. Executive Orders 15-11 and 8-15 are writings and Intervenor deny any characterization inconsistent therewith. Moreover, this paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

51. Executive Order 8-15 is a writing and Intervenor deny any characterization inconsistent therewith.

52. Executive Order 8-15 is a writing and Intervenor deny any characterization inconsistent therewith.

53. The referenced Philadelphia Public Project Labor Agreement is a writing and Intervenor deny any characterization inconsistent therewith.

54. The referenced Schedule C is a writing and Intervenor deny any characterization inconsistent therewith.

55. The referenced Schedule C is a writing and Intervenor deny any characterization inconsistent therewith.

56. The referenced Schedule C is a writing and Intervenor deny any characterization inconsistent therewith.

57. The referenced Schedule C is a writing and Intervenor deny any characterization inconsistent therewith.

**E. The City's Alleged Persistent Refusal to Include the United Steelworkers in its Project Labor Agreements**

58. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied. Moreover, after reasonable investigation, Intervenor are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

59. Denied. By way of further response, after reasonable investigation, Intervenor are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

60. Denied. By way of further response, after reasonable investigation, Intervenor are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.



61. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same. Moreover, the referenced letter is a writing and Intervenor deny any characterization inconsistent therewith.

62. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same. Moreover, the referenced letter is a writing and Intervenor deny any characterization inconsistent therewith.

63. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

64. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same. Moreover, the referenced letter is a writing and Intervenor deny any characterization inconsistent therewith.

65. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

66. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same. Moreover, the referenced letter is a writing and Intervenor deny any characterization inconsistent therewith.

67. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

68. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same. Moreover, the referenced letter is a writing and Intervenor deny any characterization inconsistent therewith.

69. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same. Moreover, the referenced letter is a writing and Intervenor deny any characterization inconsistent therewith.

70. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same. Moreover, the referenced letter is a writing and Intervenor deny any characterization inconsistent therewith.

71. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

72. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

73. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph

and therefore deny the same. Moreover, the referenced email is a writing and Intervenor deny any characterization inconsistent therewith.

74. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

75. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same. Moreover, the referenced email is a writing and Intervenor deny any characterization inconsistent therewith.

76. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same. Moreover, the referenced email is a writing and Intervenor deny any characterization inconsistent therewith.

77. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same. Moreover, the referenced email is a writing and Intervenor deny any characterization inconsistent therewith.

78. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

79. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph

and therefore deny the same. Moreover, the referenced email is a writing and Intervenor deny any characterization inconsistent therewith.

80. Denied. By way of further response, after reasonable investigation, Intervenor are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

81. Denied. By way of further response, after reasonable investigation, Intervenor are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same. Moreover, the referenced email is a writing and Intervenor deny any characterization inconsistent therewith.

82. Denied. By way of further response, after reasonable investigation, Intervenor are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

83. Denied. By way of further response, after reasonable investigation, Intervenor are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same. Moreover, the referenced email is a writing and Intervenor deny any characterization inconsistent therewith.

84. Denied. By way of further response, after reasonable investigation, Intervenor are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same. Moreover, the referenced email is a writing and Intervenor deny any characterization inconsistent therewith.

85. Denied. By way of further response, after reasonable investigation, Intervenor are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph

and therefore deny the same. Moreover, the referenced letter is a writing and Intervenor deny any characterization inconsistent therewith.

86. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

87. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

88. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same. Moreover, the referenced letter is a writing and Intervenor deny any characterization inconsistent therewith.

89. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied. After reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same. Moreover, the referenced declaration is a writing and Intervenor deny any characterization inconsistent therewith.

90. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied. After reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

**F. Plaintiffs' Alleged Relationship with the United Steelworkers of America**

91. Denied. By way of further response, after reasonable investigation, Intervenorors are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

92. Denied. By way of further response, after reasonable investigation, Intervenorors are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

93. Denied. By way of further response, after reasonable investigation, Intervenorors are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

94. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

95. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied. By way of further response, after reasonable investigation, Intervenorors are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

96. After reasonable investigation, Intervenorors are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

97. After reasonable investigation, Intervenorors are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

98. After reasonable investigation, Intervenorors are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

99. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied. By way of further response,

after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

100. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

101. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

**G. Alleged City Bid Solicitation B1904805, 15th Street Bridge Rehab Over City Branch Railroad Cut**

102. Admitted.

103. Admitted.

104. Admitted in part, denied in part. Intervenor admits only that the 15<sup>th</sup> Street Project was subject to a project labor agreement at the time of the original complaint. The referenced project labor agreement is a writing and Intervenor denies any characterization inconsistent therewith.

105. Denied. The referenced 15<sup>th</sup> Street PLA is a writing and Intervenor denies any characterization inconsistent therewith. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

106. Denied. The referenced 15<sup>th</sup> Street PLA is a writing and Intervenor denies any characterization inconsistent therewith.

107. Denied. The referenced 15<sup>th</sup> Street PLA is a writing and Intervenor deny any characterization inconsistent therewith.

108. Denied. The referenced 15<sup>th</sup> Street PLA is a writing and Intervenor deny any characterization inconsistent therewith.

109. Denied. By way of further response, after reasonable investigation, Intervenor are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

110. Denied. By way of further response, after reasonable investigation, Intervenor are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

111. Denied. By way of further response, after reasonable investigation, Intervenor are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

112. Denied. The referenced agreements are writings and Intervenor deny any characterization inconsistent therewith. By way of further response, after reasonable investigation, Intervenor are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

113. Denied. The referenced email is a writing and Intervenor deny any characterization inconsistent therewith.

114. Denied. The referenced email is a writing and Intervenor deny any characterization inconsistent therewith.



115. Denied. By way of further response, after reasonable investigation, Intervenorors are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

**H. Alleged City Bid Solicitation No. B1904626-PNE-0340.24 Runway 6-24 Pavement Rehabilitation – Package 2**

116. Admitted.

117. Admitted in part, denied in part. Intervenorors admit only that the Runway Project was subject to a project labor agreement at the time of the original complaint. The referenced project labor agreement is a writing and Intervenorors deny any characterization inconsistent therewith.

118. Denied. The referenced agreement is a writing and Intervenorors deny any characterization inconsistent therewith.

119. Denied. The referenced agreement is a writing and Intervenorors deny any characterization inconsistent therewith. By way of further answer, after reasonable investigation, Intervenorors are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph.

120. Denied. By way of further response, after reasonable investigation, Intervenorors are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

121. Denied. By way of further response, after reasonable investigation, Intervenorors are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

122. Denied. By way of further response, after reasonable investigation, Intervenorors are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

123. Denied. The referenced agreements are writings and Intervenorors deny any characterization inconsistent therewith. By way of further response, after reasonable investigation, Intervenorors are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

124. Denied. The referenced agreements are writings and Intervenorors deny any characterization inconsistent therewith. By way of further response, after reasonable investigation, Intervenorors are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

125. Denied. By way of further response, after reasonable investigation, Intervenorors are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

126. Denied. By way of further response, after reasonable investigation, Intervenorors are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

**I. Other Ways in which the City of Philadelphia Has Allegedly Discriminated Against Steelworker-Affiliated Contactors**

127. Denied. By way of further response, after reasonable investigation, Intervenorors are without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

128. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

129. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

130. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

131. Denied. By way of further response, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

**J. Mayor Kenney Allegedly Rescinds Executive Order 8-15 and Issues Executive Order 4-20**

132. Admitted in part; denied in part. Intervenor admits only that Executive Order 4-20, a copy of which is attached as Exhibit 7, went into effect as of October 15, 2020. Intervenor denies the remaining allegations. Executive Order 4-20 is a writing and Intervenor denies any characterization inconsistent therewith. By way of further answer, after reasonable investigation, Intervenor is without knowledge sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny the same.

133. Denied. Executive Order 4-20 is a writing and Intervenor denies any characterization inconsistent therewith.

134. Denied. Executive Order 4-20 is a writing and Intervenor denies any characterization inconsistent therewith.

135. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied. Further, Executive Order 4-20 is a writing and Intervenor's deny any characterization inconsistent therewith.

**CAUSES OF ACTION**  
**COUNT I**  
**42 U.S.C. § 1983 and the First and Fourteenth Amendments**

136. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

137. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

138. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

139. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

140. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

141. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

**WHEREFORE**, Intervenor's respectfully demand judgment against Plaintiffs on Count 1 of the Third Amended Complaint.

**COUNT 2**  
**42 U.S.C. § 1981 and the Equal Protection Clause**

142. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied. Further, the referenced Agreement is a writing and Intervenor's deny any characterization inconsistent therewith.

143. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied. Further, the referenced Schedule C is a writing and Intervenor deny any characterization inconsistent therewith.

144. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

145. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

**WHEREFORE**, Intervenor respectfully demand judgment against Plaintiffs on Count 2 of the Third Amended Complaint.

**COUNT 3**  
**State and City Competitive-Bidding Laws**

146. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

147. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

148. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

149. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

150. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

151. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

152. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

153. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

154. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

155. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

156. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

157. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

158. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

159. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

160. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

161. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

**WHEREFORE**, Intervenor respectfully demand judgment against Plaintiffs on Count 3 of the Third Amended Complaint.

**COUNT 4**  
**City Charter**

162. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied. Further, the Home Rule Charter is a writing and Intervenor's deny any characterization inconsistent therewith.

163. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied.

**WHEREFORE**, Intervenor's respectfully demand judgment against Plaintiffs on Count 4 of the Third Amended Complaint.

#### **DEMAND FOR RELIEF**

164. Denied. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, this paragraph is denied. By way of further response, Plaintiffs' demand for relief for subsections (a) through (j) are not proportional to the factual allegations contained in their Third Amended Complaint. The Court cannot grant the requested relief because Plaintiffs have not alleged sufficient allegations that would allow the Court to rule on all project labor agreements used by the City of Philadelphia.

**WHEREFORE**, Intervenor's respectfully demand judgment against Plaintiffs on all Counts of the Third Amended Complaint.

#### **AFFIRMATIVE DEFENSES**

1. Plaintiffs have failed to state a claim upon which relief can be granted.
2. Plaintiffs' claims are barred, in whole or in part, by the doctrines of estoppel, waiver, and laches.
3. Plaintiffs' claims are moot.
4. Plaintiffs' claims are not ripe.
5. Plaintiffs lack standing to assert the claims.

**WHEREFORE**, Intervenor respectfully demand judgment against Plaintiffs on all Counts of the Third Amended Complaint.

Respectfully submitted,

**KANG HAGGERTY & FETBROYT LLC**

By: /s/ Susan Moon O  
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Henry J. Donner  
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